

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JAMES KAPNAS,

Plaintiff,

CIVIL ACTION NO: 12-11407-DT

v.

OLGA'S KITCHEN, INC.,

Defendants.

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**ORDER OF DISMISSAL**

The Court having been advised by counsel that the above-entitled action has been settled, therefore; based upon the representation of plaintiff's counsel;

**IT IS ORDERED** that the above-entitled action be, and the same hereby is, **DISMISSED** without costs and without prejudice to the right of either party to move within sixty (60) days to vacate this Order if settlement is not consummated. After 60 days from this date, this dismissal is with prejudice.

\_\_\_\_\_  
s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 27, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 27, 2012, by electronic and/or ordinary mail.

\_\_\_\_\_  
s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522